

**Notice of Determination****- 1 -****To:**

Office of Planning and Research  
 For U.S. Mail:  
 P.O. Box 3044  
 Sacramento, California 95812-3044

**Street Address:**

1400 Tenth Street  
 Sacramento, California 95814

**From:**

California Department of Fish and Wildlife (CDFW)  
 Central Region  
 1234 E. Shaw Avenue  
 Fresno, California 93710  
 Contact: Laura Peterson-Diaz  
 Phone: 559-243-8143

**Lead Agency**

California High Speed Rail Authority  
 770 L Street, Suite 620  
 Sacramento, California 95814  
 Contact: Serge Stanich

**SUBJECT: *Filing of Notice of Determination pursuant to Public Resources Code § 21108***

State Clearinghouse Number: 2009091125

**Project Title:** California High-Speed Train Project: Merced to Fresno Major Amendment No. 15 (California Endangered Species Act Incidental Take Permit No. 2081-2013-025-04 (ITP))

**Project Location:** The Project includes the California High Speed Train (HST) alignment beginning at the intersection of Avenue 19 and the Burlington Northern Santa Fe (BNSF) Railway, in the City of Madera, Madera County, California. From this intersection, the Merced to Fresno HST alignment continues south along the west side of the BNSF Railway until south of Avenue 15, where the alignment transitions westward toward the Union Pacific Railroad (UPRR). Near Avenue 9, the alignment follows along the east side of the UPRR, before crossing the San Joaquin River and entering the City of Fresno, Fresno County, California. The Project ends south of State Route (SR) 41, adjacent to Los Angeles Street in the City of Fresno.

**Project Description:** The Project approved by CDFW consists of the ITP, Minor Amendment No. 1, Major Amendment No. 2, Major Amendment No. 3, Minor Amendment No. 4, Major Amendment No. 5, Major Amendment No. 6, Major Amendment No. 7, Major Amendment No. 8, Major Amendment No. 9, Major Amendment No. 10, Major Amendment No. 11, Major Amendment No. 12, Major Amendment No. 13, Major Amendment No. 14 and this Major Amendment No. 15 as referenced above and as issued by CDFW, which addresses construction and operation of the Merced to Fresno segment of the HST, as approved by the lead agency, affecting or generally related to fish and wildlife resources subject to the regulatory authority of CDFW, including natural resources subject to the California Endangered Species Act (CESA). California tiger salamander (*Ambystoma californiense*, CTS), Swainson's hawk (*Buteo swainsoni*, SWHA), San Joaquin kit fox (*Vulpes macrotis mutica*, SJKF), and hairy Orcutt grass (*Orcuttia pilosa*, HaOrGr) (collectively, the Covered Species). CTS, SWHA, and SJKF are species designated as threatened and HaOrGr is designated as endangered under CESA.

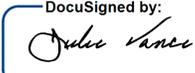
Major Amendment No. 15 makes seventeen changes to the ITP, as previously amended. Changes include: updates the Principal Officer and Contact Person, removes application of dust suppressants from the list of Covered Activities on page 45 because it is not a vegetation- or ground-disturbance activity that would preclude subsequent re-surveys prior to vegetation- or ground-disturbance Covered Activities in these work areas, corrects the header for Condition of Approval 6.2 changing it from Designated Biologist(s) to Biological Monitor(s) which applies to both Designated Biologist(s) and General Biological Monitor(s), allows for alternatives to current boundary delineation methods in Condition of Approval 6.10, clarifies what needs to be included in the 14-Day Notification and when a Work Area becomes inactive requiring new Pre-Construction Surveys and a new 14-Day Notification, allows for a San Joaquin kit fox General Biological Monitor to serve as monitor for new subsequent vegetation and soil disturbing activities in Condition of Approval 7.3 and 8.11, adds holes, sumps, trenches, pipes to the inspection list in Condition of Approval 7.3 and clarifies that the once monthly inspection for inactive areas is not applicable if those areas have long term covered holes, sumps, trenches, or pipes which must still be checked daily, clarifies how Exhibit 5 has been changed through the course of the amendment process and now indicates only the Construction Footprint and no longer shows all the Land Cover and Habitat Types from the original ITP Application, adds reference to Exhibit 10 for hairy Orcutt grass Conditions of Approval, changes the timing for the requirement to provide Geographic Information System layers and the associated metadata to CDFW from 10 days to at least 14 calendar days to match Condition of Approval 7.1, changes the geographic areas considered to have potential habitat for California tiger salamander, limiting the range to specifically north of the City of Fresno at Dakota Ave west of southbound SR 99 and north of the San Joaquin River east of southbound SR 99 as depicted in the updated Exhibit 5 Map Book, clarifies what needs to be included in the Monthly Compliance Report, changes the equipment fueling requirement to be 100 feet from aquatic habitat feature because avoidance of all suitable habitat, including Barren, is not

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feasible, allows for alternatives to current excavation coverings or ramping for animal escape in Condition of Approval 8.7, allows for mechanical assistance to be utilized according to the CDFW-approved California tiger salamander Salvage and Relocation Plan and clarifies that small mammal burrow excavation will extend into the 50-foot buffer zone except when the buffer zone is outside of the Construction Footprint, allows for General Biological Monitors under the direct supervision of the Designated Biologist(s) to assist with the excavation of potential San Joaquin kit fox dens, adds two new Specific Measures for San Joaquin kit fox, one for unblocking temporarily blocked San Joaquin kit fox Dens and one for pile driving, and returns the California tiger salamander aquatic feature buffer line inadvertently removed from Exhibit 5 when it changed from showing land cover types to just the Construction Footprint in Amendment 7 but reduces it from 1.3 miles to 0.7 miles to match the distance that requires burrow excavation implementation.

This is to advise that CDFW, acting as  the lead agency /  a responsible agency] approved the above-described project on 10/4/2022 and made the following determinations regarding the above described project:

- 1. The project  will /  will not] have a significant effect on the environment (This determination is limited to effects within CDFW's permitting jurisdiction as a responsible agency).
- 2.  An environmental impact report /  A negative declaration] was prepared by the lead agency for the original project.
- 3. Additional mitigation measures  were /  were not] made a condition of CDFW's approval of the project.
- 4. A mitigation reporting or monitoring plan  was /  was not] adopted by CDFW for this project.
- 5. A Statement of Overriding Considerations  was /  was not] adopted by CDFW for this project.
- 6. Findings  were /  were not] made by CDFW pursuant to Public Resources Code § 21081(a).
- 7. Compliance with the environmental filing fee requirement at Fish and Game Code § 711.4 (check one):
  - Payment is submitted with this notice.
  - A copy of a receipt showing prior payment was submitted to CDFW.
- Responsible Agency statement: The EIR/EIS and Addendum 2013-1 and 2013-2 prepared by the lead agency for the Project is available to the general public at the office location listed above for the lead agency. CDFW's administrative record of proceedings related to the incidental take permit is available to the public for review at CDFW's regional office.

DocuSigned by:  
  
 Signature \_\_\_\_\_ Date: 10/4/2022  
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 Julie A. Vance, Regional Manager

Date Received for filing at OPR: \_\_\_\_\_